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UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JIBRIL KOITA, GLADWIN WILSON,  
OMARI MAHER, SALEH SHERIF,  
CELIO DE LA CRUZ, and ANH LE,

Petitioners

v.

JANET RENO,

Respondent

:  
: 1:CV-00-0070  
:  
: (Judge Caldwell)

FILED  
HARRISBURG, PA

FEB 8 2001

MARY E. D'ANDREA, CLERK  
Per 

SUPPLEMENTAL RESPONSE IN  
OPPOSITION TO PETITION TO REOPEN

Petitioner Jibril Koita filed a petition to reopen this case on or about November 14, 2000, on the grounds that respondent had failed to provide the file review required by the Court's October 6, 2000, Order. Respondent filed a Response in Opposition to Petition to Reopen on December 22, 2000. By Order dated January 19, 2001, the Court ordered respondent to submit appropriate evidentiary material showing that Mr. Koita's risk of flight and danger to the community were considered in the decision to continue Mr. Koita's detention. The Court specifically mentioned evidentiary material that might have been submitted to the Institutional Hearing Program Director at Allenwood in connection with Mr. Koita's bond hearing.

The undersigned has been informed by INS Regional Counsel that the hearing before the Institutional Hearing Program Director was not on the record, and that no evidentiary material exists. Accordingly, respondent is unable to submit appropriate evidentiary material showing that Mr. Koita's risk of flight and danger to the community were considered in the October, 2000, decision to continue his detention.


INS Regional Counsel has also indicated that Mr. Koita's final order of deportation was issued on or about November 13, 2000. As a result, Mr. Koita is now covered by the Interim Rules requiring a custody review within 90 days of entry of a final order of deportation, and reviews every six months thereafter. Mr. Koita's post-final order custody review was conducted today (February 8, 2001). INS Regional Counsel reports that the result of the custody review was a recommendation for release.

Because respondent does not yet have any written confirmation of the facts set forth above, the undersigned anticipates requesting leave to submit affidavits or other written evidentiary support for the above representations as soon as they can be obtained. Should the documents reveal that Mr.

Koita has been released, respondent would anticipate arguing that his petition for writ of habeas corpus is moot.

Respectfully submitted,

DAVID M. BARASCH  
United States Attorney

  
MARY CATHERINE FRYE  
Assistant U.S. Attorney  
228 Walnut Street  
Harrisburg, PA 17108  
(717) 221-4482

Dated: February 8, 2001

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

On this 8<sup>th</sup> day of February, 2001, she served copies of the foregoing document by placing said copies in postpaid envelopes addressed to the persons hereinafter named, at the addresses stated, which are the last known addresses of petitioners, and by depositing said envelopes and contents in the United States Mail at Harrisburg, Pennsylvania to:

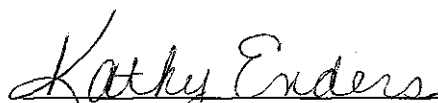
Jibril Koita  
York County Prison  
3400 Concord Road  
York, PA 17402

Maher Omari  
A76 766 772  
Snyder County Prison  
600 Old Colony Road  
Selinsgrove, PA 17870

Anh Le  
Snyder County Prison  
600 Old Colony Road  
Selinsgrove, PA 17870

Saleh Sherif  
Snyder County Prison  
600 Old Colony Road  
Selinsgrove, PA 17870

Gladwin Wilson  
Snyder County Prison  
600 Old Colony Road  
Selinsgrove, PA 17870

  
KATHY ENDERS  
Legal Secretary